

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALPHONSA CHANDLER; NICHOLAS  
CORE; BRENT MERITY; AND ERIC  
VAUGHAN, each individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

INTERNATIONNAL MARINE AND  
INDUSTRIAL APPLICATORS, LLC, a  
Florida Corporation,

Defendant.

No. 2:22-cv-00339 - BJR

Hon. Barbara J. Rothstein

**DECLARATION OF MARY BUTLER  
REGARDING NOTICE AND  
SETTLEMENT ADMINISTRATION**

**DECLARATION OF MARY BUTLER**

I, MARY BUTLER, declare the following facts to be true and correct and if called as a witness would testify competently to the same:

1. I am employed as a Case Manager by Simpluris, Inc. ("Simpluris"), the claims administrator in the above-entitled action. My business address is 3194-C Airport Loop Drive, Costa Mesa, CA 92626. My telephone number is (714) 640-5607. I am over 21 years of age and authorized to make this declaration on behalf of Simpluris and myself.

2. Simpluris is a class action Settlement Administration Company headquartered in Costa Mesa, California. It was founded by individuals who have each managed hundreds of Settlements along with professionals in the areas of software development, third-party claims administration, mail-house operations and call center support management.

3. Simpluris was appointed by the Court as Settlement Administrator to administer the Settlement in accordance with the terms of the Settlement Agreement and Release of Claims, (the "Settlement"). Simpluris has been responsible, among other things, for: (a) printing and mailing the Notice of Collective Action Settlement, Consent to Join as FLSA Opt-In Plaintiff, and Release of Claims ("FLSA Class Notice"), Notice of Class Action Settlement, Consent to Join as FLSA Opt-In Plaintiff, and Release of Claims ("WA Class Notice") and Consent to Join as FLSA Opt-In Plaintiff and Release of Claims Form for the FLSA Class ("Consent to Join Form") (collectively, "Notice Packet"); (b) receiving undeliverable Notice Packets; (c) receiving any requests for exclusion; (d) receiving Consent to Join Forms; and (e) answering questions from Class Members. If the Court grants final approval of the Settlement, Simpluris will be responsible, among other things, for: (f) calculating individual Settlement payments, distributing funds, and tax-reporting following final approval; (g) mailing Settlement checks; (h) and for such other tasks as the Parties mutually agree or the Court orders Simpluris to perform.

**TOLL FREE TELEPHONE HELPLINE**

4. A toll-free telephone number was included in the Class Notice for the purpose of allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement. The

1 system is accessible 24 hours a day, 7 days a week, and will remain in operation throughout the  
2 settlement process. Callers have the option to speak with a live call center representative during  
3 normal business hours or to leave a message and receive a return call during non-business hours.  
4 The toll-free telephone number included in the Class Notice was 1-833-512-8326.

5 **NOTIFICATION TO THE CLASS**

6 5. On January 23, 2023, Simpluris received the Court-approved Notice Packet from  
7 Plaintiffs' Counsel. The Notice Packet advised Settlement Class Members of their right to Opt-In,  
8 Opt-Out from the Settlement, Object to the Settlement, or do nothing, and the implications of each  
9 such action. The Notice Packet advised Settlement Class Members of applicable deadlines and other  
10 events, including the Final Approval Hearing, and how Settlement Class Members could obtain  
11 additional information. A true and correct copy of an exemplar Notice is attached hereto as "**Exhibit**  
12 **A**" for the FLSA Class and "**Exhibit B**" for the Washington Class.

13 6. On February 6, 2023, Counsel for Defendant provided Simpluris with a mailing list  
14 containing the name, last known address, Social Security Number, and pertinent employment  
15 information during the Class Period for the Settlement Class Members. The Class List contained  
16 data for 1,157 unique Settlement Class Members of which 555 belong to the Washington Class.

17 7. The mailing addresses contained in the Class List were processed and updated  
18 utilizing the National Change of Address Database ("NCOA") maintained by the U.S. Postal  
19 Service. The NCOA contains changes of address filed with the U.S. Postal Service. In the event  
20 that any individual had filed a U.S. Postal Service change of address request, the address listed with  
21 the NCOA was utilized in connection with the mailing of the Notice Packets.

22 8. On April 4, 2023, after updating the mailing addresses through the NCOA, Notice  
23 Packets were mailed via First Class Mail to 1,157 Settlement Class Members contained in the Class  
24 List. Also, on May 10, 2023, Simpluris mailed reminder postcards to FLSA Settlement Class  
25 Members to inform them of the June 3, 2023 opt in deadline.

26 9. As of this date, 166 Notice Packets were returned by the post office. For those without  
27 a forwarding address, Simpluris performed an advanced address search (i.e. skip trace) on all of these  
28

1 addresses by using Accurant, a reputable research tool owned by Lexis-Nexis. Simpluris used the  
2 Settlement Class Member's name, previous address and Social Security number to locate a more  
3 current address. One hundred thirty (130) Notice Packets were re-mailed to either a newfound address,  
4 with forwarding addresses provided by the United States Postal Service or at the request of the Class  
5 Member. Ultimately, after additional searches, 36 Notice Packets were undeliverable because  
6 Simpluris was unable to find a better address.

#### 7 **REQUESTS FOR EXCLUSION AND OBJECTIONS**

8  
9 10. The deadline for Class Members to submit a Request for Exclusion, Object to the  
10 Settlement or Dispute was June 3, 2023.

11 11. As of this date, Simpluris has not received a Request for Exclusion from a Settlement  
12 Class Member.

13 12. As of this date, Simpluris has not received any Objections to the Settlement from a  
14 Settlement Class Member.

#### 15 **CLAIMS**

16 13. Simpluris was responsible for receipt of all Consent to Join Forms. As of this date,  
17 Simpluris has received Consent to Join Forms from 312 Settlement Class Members.

#### 18 **NOTICE TO ATTORNEY GENERALS PURSUANT TO CAFA**

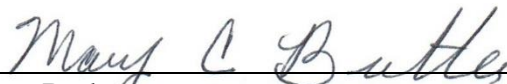
19 14. Simpluris was separately retained by Defendants to administer the notice mandated  
20 under the Class Action Fairness Act (CAFA), 28 U.S.C. § 1715, to the U.S. Attorney General and to  
21 the Attorney Generals of all states and territories where class members reside. Simpluris mailed the  
22 notice to these persons on March 24, 2023. A true and correct copy of the notice is attached hereto as  
23 "Exhibit C" (exhibits to the notice are omitted).

#### 24 **ADMINISTRATION COSTS**

25 15. Simpluris' total costs for services in connection with the administration of this  
26 Settlement, including fees incurred and anticipated future costs for completion of the administration,  
27 are \$38,543.00. Simpluris' work in connection with this matter will continue with the calculation of  
28

1 the Settlement checks, issuance and mailing of those Settlement checks, etc., and to do the necessary  
2 tax reporting on such payments.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing  
4 is true and correct. Executed this 31st day of May, 2023, at Frisco, TX.

5   
6 Mary Butler